



2FW/2134

February 25, 2006

Director USPTO
P.O. Box 1450
Alexandria, VA.

Subject: Timely Amendment to Claims Section of Application # 09/945, 176

To Whom It May Concern:

Enclosed is duplicate Claims and supporting documents that show my patent application has been grievously mishandled.

The patent application was Docketed to Examiner in the GAU on 01/19/2002. On 03/08/2002, 08/13/2003, 09/17/2004, the application was docketed to examiners in GAU. Again, in 11/23/2004 the application was docketed to another examiner. An Office Action Summary was prepared by Mr. David Jung and on 11/30/2004 was mailed to me for review as a Non-Final Rejection. The focus of the rejection was the Claims section of the application. All Seven of the Claims in my pending patent were rejected.

Upon receipt of these documents, I proceeded to review the disputed section and decided on a complete change to the Claims section. An amendment to the Claims section of the application was prepared indicating my changes. These and supporting documents were sent by Certified Mail to Mr. Jung on 12/16/2004. I received a certificate of receipt on 12/20/2004.

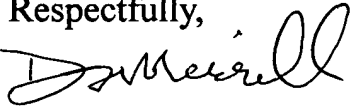
I received no further communication from Mr. Jung. The transaction history remained the same through 2004 and into 2005. Concerned with the disposition of my patent application I called the Patent Assistance Center. I was informed that the time had expired for response the Non-Final Rejection and that my patent might be abandoned. Alarmed, I tried to talk to Mr. Jung but was unable to get any response. Finally I called Mr Greg Morse and he said he would look into the matter and let me know by mail. I have received no communication from either Mr. Jung or Mr Morse.

February 25, 2006

On 02/23/2006 I called Mr. Morse and he said he would have Mr. Jung call me. The same day, Mr. Jung called but had no information about the application. In point of fact he was almost totally incoherent. His manner on the phone gave the impression that he did not know anything about my patent application? The only value I received from his call was a phone number [1-800-786-9199].

This letter is a formal request that the revision of the Claims Section of patent application # 09/945,176 be considered as a timely and that the process for its acceptance be continued.

Respectfully,

A handwritten signature in cursive script, appearing to read "D. Merrill", written in black ink.

Donald S. Merrill



SEQUENCE LISTING

Office Action Summary

Claims Section from Original Patent Application

Claims Amendment

Copies of Certified Mail Receipts

Application Data

Application Transaction Table



Office Action Summary	Application No.	Applicant(s)	
	09/945,176	MERRILL	
	Examiner	Art Unit	
	David Y Jung	2134	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____



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1. Article Addressed to:

David Jung
Commissioner of Patents
& trademarks
Washington DC 20231

2. Article Number

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PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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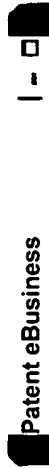
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12/16/2004

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PS Form 3800, June 2002 See Reverse for Instructions



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09/945,176 Electronic facilitation venue

Application Data	Transaction History	Image File Wrapper	Published Documents	Publication Dates	Address & Attorney/Agent
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Application Number:	09/945,176	Customer Number:	-
Filing or 371 (c) Date:	09-04-2001	Status:	Non Final Action Mailed
Application Type:	Utility	Status Date:	11-30-2004
Examiner Name:	JUNG, DAVID YIUK	Location:	ELECTRONIC
Group Art Unit:	2134	Location Date:	-
Confirmation Number:	3235	Earliest Publication No:	US 2003-0046373 A1
Attorney Docket Number:	-	Earliest Publication Date:	03-06-2003
Class / Subclass:	713/201	Patent Number:	-
First Named Inventor:	Donald Merrill, Chico, CA (US)	Issue Date of Patent:	-
Title of Invention:	Electronic facilitation venue		

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09/945,176 Electronic facilitation venue

Application Data	Transaction History	Image File Wrapper Documents	Published Dates	Publication Address & Attorney/Agent
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Date	Contents Description
11-30-2004	Mail Non-Final Rejection
11-29-2004	Non-Final Rejection
11-23-2004	Case Docketed to Examiner In GAU
09-17-2004	IFW TSS Processing by Tech Center Complete
08-13-2003	Case Docketed to Examiner in GAU
03-08-2002	Case Docketed to Examiner in GAU
01-19-2002	Transfer Inquiry to GAU
10-15-2001	Application Dispatched from OIPE
10-13-2001	Correspondence Address Change
09-13-2001	IFW Scan & PACR Auto Security Review
09-04-2001	Initial Exam Team nn

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